

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA**

---

Roy Hartley,

Plaintiff,

v.

Collection Services of Athens, Inc.; and DOES  
1-10, inclusive,

Defendants.

---

:  
: Civil Action No.: 3:15-cv-79  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

: **COMPLAINT**  
: **JURY TRIAL DEMANDED**  
:  
:  
:  
:  
:  
:

For this Complaint, Plaintiff, Roy Hartley, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendants' repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

3. Plaintiff, Roy Hartley ("Plaintiff"), is an adult individual residing in Elberton, Georgia, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
4. Defendant Collection Services of Athens, Inc. ("Collection Services"), is a Georgia business entity with an address of 110 Newton Bridge Road # A, Athens, Georgia 30607, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

5. Does 1-10 (the “Collectors”) are individual collectors employed by Collection Services and whose identities are currently unknown to Plaintiff. One or more of the Collectors may be joined as parties once their identities are disclosed through discovery.

6. Collection Services at all times acted by and through one or more of the Collectors.

### **ALLEGATIONS APPLICABLE TO ALL COUNTS**

#### **A. The Debt**

7. An individual allegedly incurred a financial obligation (the “Debt”) to an original creditor (the “Creditor”).

8. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes, which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

9. The Debt was purchased, assigned or transferred to Collection Services for collection, or Collection Services was employed by the Creditor to collect the Debt.

10. Defendants attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

#### **B. Collection Services Engages in Harassment and Abusive Tactics**

11. In or around November 2014, Collection Services began calling Plaintiff in an attempt to reach “Deldryn Ardister” (the “Debtor”).

12. In or around May 2015, Plaintiff spoke with Collection Services and explained that he was not the Debtor and that she couldn’t be reached at his phone number. Plaintiff therefore requested that Collection Services stop calling him regarding the Debt..

13. Nevertheless, Collection Services continued to call Plaintiff in an attempt to reach the Debtor.

**C. Plaintiff Suffered Actual Damages**

14. Plaintiff has suffered and continues to suffer actual damages as a result of Defendants' unlawful conduct.

15. As a direct consequence of Defendants' acts, practices and conduct, Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

**COUNT I**  
**VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.**

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

17. Defendants' conduct violated 15 U.S.C. § 1692d in that Defendants engaged in behavior the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with collection of the Debt.

18. Defendants' conduct violated 15 U.S.C. § 1692d(5) in that Defendants caused a phone to ring repeatedly and engaged Plaintiff in telephone conversations with the intent to annoy and harass Plaintiff.

19. Defendants' conduct violated 15 U.S.C. § 1692f in that Defendants used unfair and unconscionable means to collect the Debt.

20. The foregoing acts and omissions of Defendants constitute numerous and multiple violations of the FDCPA.

21. Plaintiff is entitled to damages as a result of Defendants' violations.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendants:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);

2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3); and
4. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: August 18, 2015

By: /s/ Sergei Lemberg, Esq.  
Attorney Bar No.: 598666  
Attorney for Plaintiff Roy Hartley  
LEMBERG LAW L.L.C.  
1100 Summer Street, Third Floor  
Stamford, CT 06905  
Telephone: (203) 653-2250 ext. 5500  
Facsimile: (203) 653-3424  
Email: [slemberg@lemborglaw.com](mailto:slemberg@lemborglaw.com)